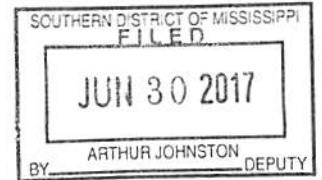


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION



KENNY YOUNG

PLAINTIFF

VS.

CIVIL ACTION NO. 3:17cv527CWR-LRA

AMERICAN MEDICAL RESPONSE, INC.,  
MOBILE MEDIC AMBULANCE SERVICE  
INC. D.B.A. AMR CENTRAL MISSISSIPPI  
AND JOHN DOES 1-5

DEFENDANTS

NOTICE OF REMOVAL

TO: Kenny Young  
% Kenneth C. Miller, Esq.  
213 S. Lamar Street (39201)  
P. O. Box 1759  
Jackson, MS 39215-1759

Kenny Young  
% David L. Sullivan, Esq.  
Sullivan Law Firm, PLLC  
P. O. Box 4413  
Laurel, MS 39440

*Plaintiff*

Kenneth C. Miller, Esq.  
213 S. Lamar Street (39201)  
P. O. Box 1759  
Jackson, MS 39215-1759

David L. Sullivan, Esq.  
Sullivan Law Firm, PLLC  
P. O. Box 4413  
Laurel, MS 39440

*Attorneys for Plaintiff*

Honorable Anthony Grayson  
Smith County Circuit Clerk  
P. O. Box 517  
Raleigh, MS 39153

In accordance with 28 U.S.C. §§ 1332, 1441 and 1446, you are notified that defendants American Medical Response, Inc., and Mobile Medical Ambulance Service, Inc. (collectively “AMR”), have removed the action entitled “*Kenny Young v. American Medical Response, Inc., Mobile Medic Ambulance Service, Inc. D/B/A AMR Central Mississippi and John Does 1-5*,” bearing Cause No. 2017-116-1, from the Circuit Court of Smith County, Mississippi to the United States District Court for the Southern District of Mississippi, Northern Division, and in support thereof state as follows:

#### **Background**

1. Plaintiff commenced this action on May 24, 2017 by filing a complaint in the Circuit Court of Smith County, Mississippi, assigned Cause No. 2017-116-1, and styled “*Kenny Young v. American Medical Response, Inc., Mobile Medic Ambulance Service, Inc. D/B/A AMR Central Mississippi and John Does 1-5*.” A copy of all process, pleadings and orders served on this defendant are attached as Exhibit A.

#### **Amount in Controversy**

2. This case involves alleged damages arising out of medical care provided by AMR to plaintiff on August 18, 2016. Plaintiff alleges that AMR caused him to fall approximately 10 to 12 steps down a flight of stairs while transporting him to an ambulance. Complaint, ¶5. Plaintiff alleges that AMR failed to provide appropriate medical care and that AMR acted with negligence and/or gross negligence. *Id.* at ¶9. Plaintiff further alleges that he suffered “severe physical and

emotional distress, physical pain and suffering, bodily injury and permanent disfigurement” as a result of AMR’s alleged acts or omissions. *Id.* at ¶12. Plaintiff seeks damages for past, present, and future severe, permanent and disabling injuries; past, present, and future physical pain and suffering; past, present, and future mental and emotional anguish; past, present, and future loss of wages and wage earning capacity; past, present, and future doctor, hospital, drug, and medical expenses; loss of enjoyment of life; and punitive damages. *Id.* at ¶19. It is facially apparent that plaintiff’s claims exceed \$75,000 and the amount in controversy is satisfied. *See, e.g., Montgomery v. First Family Fin. Serv.*, 239 F. Supp. 2d 600, 605 (S.D. Miss. 2002) (holding amount in controversy met where plaintiffs demanded unspecified punitive damages and noting that federal courts in Mississippi have consistently held a claim for an unspecified amount of punitive damages is deemed to exceed the amount necessary for federal jurisdiction).

### **Complete Diversity**

3. Plaintiff is a resident citizen of Mississippi. Compl., ¶1.
4. Defendant American Medical Response, Inc., is a Delaware corporation with its principal place of business in Colorado.
5. Defendant Mobile Medic Ambulance Service, Inc., is a Delaware corporation with its principal place of business in Colorado.
6. Plaintiffs named as defendants John Does 1-5. The citizenship of fictitious defendants is to be disregarded. 28 U.S.C. § 1441(b)(1).

### **Procedural Prerequisites are Satisfied**

7. This removal is timely in accordance with 28 U.S.C. § 1446(b) as it is being filed within one year of the filing of the complaint. The removal is within the 30-day period under 28

U.S.C. § 1446(b) as defendant was served on May 31, 2017.

8. The United States District Court for the Southern District of Mississippi, Northern Division, is the federal judicial district embracing the Circuit Court of Smith County, Mississippi, making venue proper under 28 U.S.C. §1441(a).

9. A copy of this Notice has been filed with the Circuit Clerk of Smith County, Mississippi and has been provided to all parties pursuant to 28 U.S.C. §1446(d).

This the 30<sup>th</sup> day of June, 2016.

Respectfully submitted,

AMERICAN MEDICAL RESPONSE, INC. AND  
MOBILE MEDIC AMBULANCE SERVICE, INC.

BY:

  
\_\_\_\_\_  
OF COUNSEL

TOM JULIAN - BAR # 101905  
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TELEPHONE: (601) 969-7607  
FACSIMILE: (601) 969-1116

ATTORNEY FOR DEFENDANTS, AMERICAN MEDICAL RESPONSE, INC. AND  
MOBILE MEDIC AMBULANCE SERVICE, INC.

**CERTIFICATE OF SERVICE**

I, Tom Julian, attorney for American Medical Response, Inc. and Mobile Medic Ambulance Service, Inc., Defendants herein, hereby certify that I have this day filed the original of the above and foregoing Notice of Removal and Exhibit hereto in the United States District Court for the Southern District of Mississippi, Northern Division, and that upon the filing of the original Notice and Exhibit hereto, I have served a true and correct copy of the said Notice and Exhibit on:

Kenny Young, Plaintiff, in care of his attorneys, Kenneth C. Miller, Esq. and David L. Sullivan, Esq., by mailing to their usual business addresses in Jackson and Laurel, Mississippi;

Kenneth C. Miller, Esq., attorney of record for the Plaintiff, Kenny Young, by mailing to his usual business address in Jackson, Mississippi;

David L. Sullivan, Esq., attorney of record for the Plaintiff, Kenny Young, by mailing to his usual business address in Jackson, Mississippi; and

Honorable Anthony Grayson, Smith County Circuit Clerk by electronically filing a Notice of Notice of Removal with a copy of said Notice of Removal attached thereto;

all to effectuate the removal of a civil action entitled, "*Kenny Young v. American Medical Response, Inc. and Mobile Medic Ambulance Service, Inc. d.b.a AMR Central Mississippi and John Does 1-5*," being Civil Action 2017-116-1, on the docket of said Circuit Court, to the United States District Court for the Southern District of Mississippi, Northern Division, pursuant to the statutes and rules in such cases made and provided.

WITNESS MY SIGNATURE, this the 30<sup>th</sup> day of June, 2017.



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TOM JULIAN

Attorney for American Medical Response, Inc.,  
Mobile Medic Ambulance Service, Inc.